

BOARD OF SUPERVISORS

ACTION ITEM

8

TRANSPORTATION AND LAND USE COMMITTEE REPORT

SUBJECT: CMPT 2009-0003; SPEX 2009-0004; SPEX 2009-0015
Scott Jenkins Memorial Park

ELECTION DISTRICT: Catoctin

CRITICAL ACTION DATE: February 8, 2010

RECOMMENDATIONS:

Transportation and Land Use Committee:

The Transportation and Land Use Committee voted 5-0 to forward CMPT 2009-0003, SPEX 2009-0004, and SPEX 2009-0015, Scott Jenkins Memorial Park, to the Board of Supervisors with a recommendation of approval, with a specific recommendation to not light the proposed ballfields. The Committee further recommended that the funding currently proposed for ballfield lighting at Scott Jenkins Memorial Park be applied to the lighting of one large field at Franklin Park, and that additional funding be identified in the upcoming budget session to light additional fields at Franklin Park, subject to finding funds to offset the additional cost.

Planning Commission:

The Planning Commission recommended approval of the Commission Permit for the park site and Special Exception for the Commuter Park and Ride Lot (SPEX 2009-0015) applications by a vote of 8-0-1 (Broderick absent) on December 10, 2009. The Planning Commission by a vote of 7-0-1-1 (Klancher opposed; Broderick absent) offered no recommendation for the Special Exception Active Recreation Park (SPEX 2009-0004).

Staff:

Staff recommends approval of each application. The applications are consistent with the comprehensive plan policies of land use and rural economic policies and would provide for needed open space, recreational amenities, and commuter parking.

BACKGROUND:

The Board of Supervisors, acting through the Department of Construction and Waste Management, Loudoun County, Virginia has submitted applications for two Special Exceptions and Commission Permit approval to allow construction of a park for Active Recreational Uses and a Commuter Park and Ride Parking Lot in the AR-1 (Agricultural Rural-1) zoning district. The property is also located in the Mountainside Development Overlay District and areas of Moderately Steep Slopes. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 2-100, Table 2-102 and requires a Commission Permit in accordance with Section 6-1101(A). The subject property is comprised of a 23.67 acre parcel and an 11.43 acre parcel and is located on the north side of East Colonial Highway (East Colonial Highway (Business Route 7)) about 1.7 miles west of the intersection with Harry Byrd Highway (Route 7 By-Pass) and Charles Town Pike (Route 9) in the Catoctin Election District. The area is governed by the policies of the Revised General Plan, (Northern Tier of the Rural Policy Area) and the Bicycle and Pedestrian Mobility Master Plan, and the Countywide Transportation Plan which designate this area for rural economy uses and limited residential development.

The Board of Supervisors held a Public Hearing on the Scott Jenkins Memorial Park applications on January 11, 2010 and then forwarded them to the Transportation and Land Use Committee for further

review. On January 25, 2010 the Transportation and Land Use Committee voted 5-0 to forward the items to the Board Business Meeting on February 2, 2010 for action.

The Transportation and Land Use Committee discussed the light impacts and proposed Conditions of Approval as well as the transportation routing of the buses for the commuter lot. The Committee voted to remove lighted ballfields from the Active Recreation Park; recommended the funds for the Phase 1 lighting be transferred to ballfields at Franklin Park; and recommended the Conditions of Approval be revised accordingly. The Committee made no changes to the lighted Commuter Park and Ride Lot. The Committee further recommended that the Board in the FY11 budget process that lighting additional ballfields at Franklin Park be considered.

ISSUES:

The Transportation and Land Use Committee discussed lighting in this location and recognized that lighting outside of the existing towns impacts the rural environment and existing agricultural uses. Locating lighting closer to towns within existing parks is more consistent with the plan policies.

FISCAL IMPACT:

There is no discernable, immediate impact on County expenditures associated with these applications as the park site has been previously funded by the Board of Supervisors.

ALTERNATIVES:

The Board of Supervisors may approve, deny, or forward the application to committee for further discussion.

DRAFT MOTIONS:

1A. I move that the Board of Supervisors ratify the Planning Commission approval of CMPT 2009-0003 the attached findings for approval.

AND

1B. I move that the Board of Supervisors approve SPEX 2009-0004, Active Recreation Park, with no ballfield lights and a recommendation to transfer funding for the Phase 1 ballfield lighting to Franklin Park; and to consider in the FY11 budget process lighting additional ballfields at Franklin Park; approval of this Special Exception is subject to the Conditions of Approval dated January 26, 2010, and the attached findings.

AND

1C. I move that the Board of Supervisors approve SPEX 2009-0015, Commuter Park and Ride Lot, subject to the Conditions of Approval dated January 26, 2010, and the attached findings.

OR

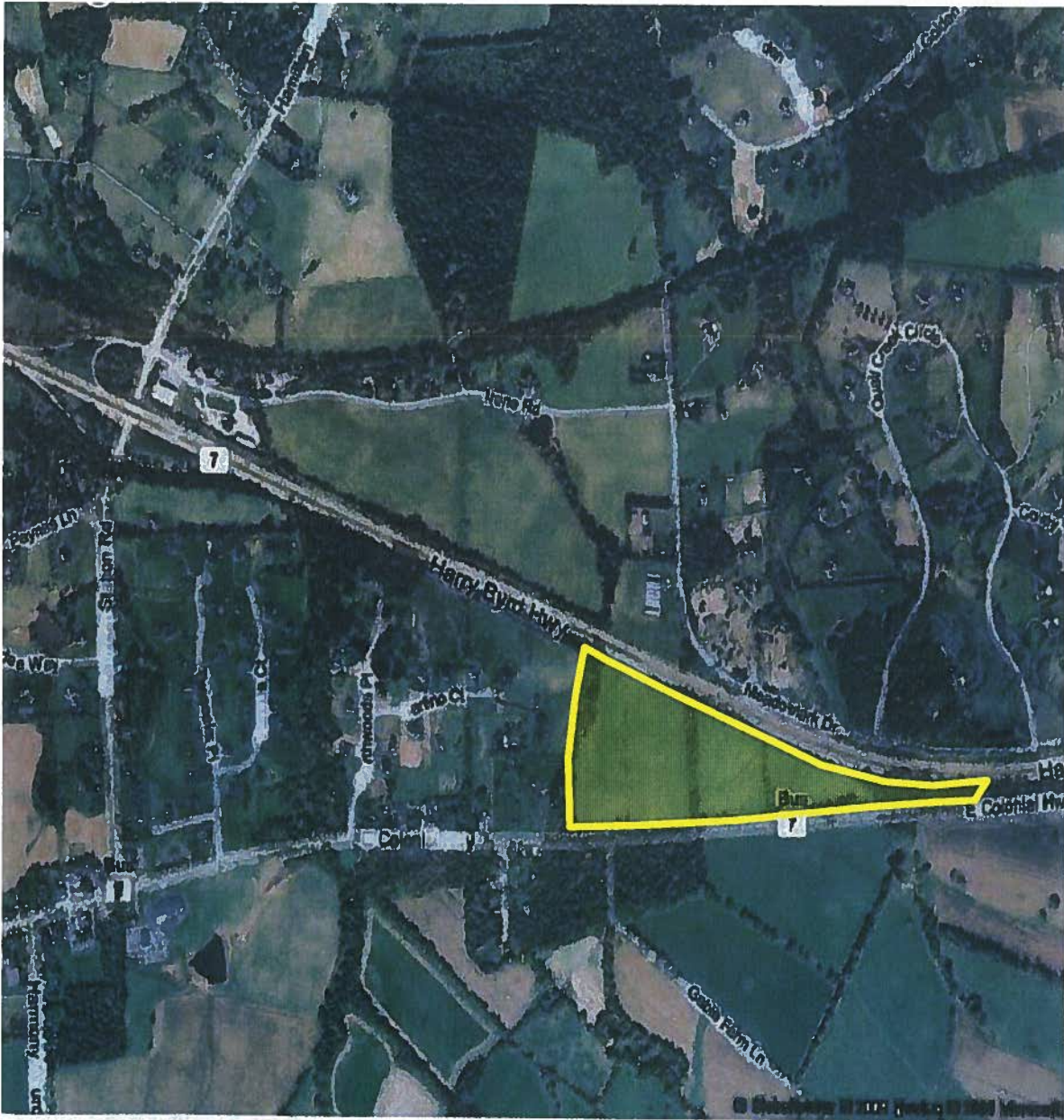
2. I move an alternate motion.

ATTACHMENTS:

- 1.) Vicinity Map
- 2.) Revised Conditions of Approval dated January 26, 2010
- 3.) Findings for Approval
- 4.) Revised Special Exception Plat dated February 2009, revised through January 2010

STAFF CONTACT: Jane McCarter, Department of Planning, Ext.5128

VICINITY MAP



Directions: From Leesburg, proceed west on Harry Byrd Highway (Route 7) approximately 3.2 miles to the intersection with Charles Town Pike (Route 9) on the right. Exit Route 7, turn left to cross the overpass, and then turn right onto Colonial Highway East (East Colonial Highway (Business Route 7)). Proceed to the right (west) approximately 1.5 miles to the entrance to the property on the right. The entrance is identified with a sign and is located at a locked gate crossing the abandoned roadway internal to the site.

ATTACHMENT 1

SPEX 2009-0004: Active Recreational Park

1/26/10

1. **Substantial Conformance** The proposed Special Exception use, Active Recreation Park, shall be developed in substantial conformance with the Special Exception plat prepared by Patton Harris Rust and Associates dated February 2009 and revised through January 26, 2010 (the "Special Exception Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map 37, Parcel 58A (formerly known as Parcels 58A and 58B) (PIN #346-35-3765 (formerly known as PIN #'s 346-35-3765 and 346-36-7436)) (the "Property") shall not relieve the applicant or the owners of the property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Enhanced Buffering** The Special Exception use shall provide enhanced vegetative buffering along the western and southern boundaries of the Property which abut residential uses. The purpose of the enhanced buffering is to minimize the lighting and noise impacts to the adjacent properties. The enhanced buffering shall be a minimum of one row of 6-foot tall evergreens spaced 15 feet apart in addition to the Type 2 side yard and Type 3 front yard buffers required for the western and southern yards respectively. However, spacing for the enhanced buffer plantings may be altered to accommodate the interspersation among existing trees. Planting choices may include any native species the Loudoun County Urban Forester in coordination with the Loudoun County Horticulturist deems appropriate to satisfy this purpose. The enhanced buffering shall be maintained to assure viability of the plantings, and replace any diseased or dying vegetation.
3. **Tree Conservation Areas** The development of the Special Exception use shall ensure sustainability of the Tree Conservation Areas, identified on the Special Exception plat and inclusive of, at minimum, the "Moon Tree" (8-inch sweet gum) labeled "Individual Tree to be Preserved in situ" on the Special Exception Plat and the large pin oak at the northwestern corner of the site near the Existing Irrigation Well A. Removal of Tree Conservation Areas will be permitted only if recommended by a certified arborist. Maintenance of the Tree Conservation Areas shall be actively provided by the Applicant in conformance with Virginia Forestry guidelines.
4. **Moon Tree** To ensure sustainability of the unique "Moon Tree" (8-inch sweet gum), the area is labeled on the Special Exception Plat, and shall be clearly labeled on all plats and plans associated with this project, as "Individual Tree to be Preserved in situ". To ensure preservation onsite there shall be:
 - a. No future site alteration or land disturbance within 30 feet of the tree in accordance with Section 7.303 of the Facilities Standards Manual addressing critical root zone preservation with the exception of the retaining wall area. No land disturbance shall occur within 20 feet of the tree in the retaining wall construction area;

- b. A plaque explaining the tree's significance and history;
 - c. 4-foot welded wire tree protection fence during construction with "Tree Protection" signage in English and Spanish spaced no more than 30 feet apart all the way around the tree protection fence;
5. **Lighting** The proposed Special Exception use, inclusive of the ballfields, shall not be lighted.
6. **Hydrogeologic Assessment** Completion of a hydrogeologic assessment shall be required prior to the construction of the irrigation system for the Phase 2 ball fields to ensure adequate water supplies in this limited water supply area. This assessment shall be conducted prior to building/zoning permit issuance for any part of Phase 2 which requires an irrigation system.
7. **Water Conserving Measures – Facilities** The Applicant shall install low flow fixtures and waterless urinals in all restrooms. Alternative comparable equivalent performing technologies that support water conservation may be provided.
8. **Water Conserving Measures- Site** The Applicant shall install infiltration measures within the Active Recreation Park portion of the park to provide water infiltration onsite. Construction of grass swales, infiltration ditches, infiltration trenches or other methods to carry water for infiltration shall be provided. Curb and gutter shall not be provided throughout the site.
9. **Roadways** Left and right turn lanes at the entrance to the park on East Colonial Highway shall be constructed prior to the opening of any portion of Phase 1 of the Active Recreation Park or Commuter Park and Ride Parking Lot. The turn lanes shall be constructed in accordance with Loudoun County and VDOT standards.
10. **Signage** Appropriate Signage shall be installed to prohibit all eastbound left turn lanes into the bus entrance and to prohibit non-authorized vehicles from accessing the site. All-way control (stop signs) shall be installed, if approved by VDOT, at the intersection of East Colonial Highway/Dry Mill Road and Charles Town Pike prior to the opening of Phase 1 of the project.
11. **Fair Share Contribution** The Applicant shall provide a one-time cash contribution of \$130,000 toward future intersection improvements at the East Colonial Highway/Hamilton Station Road intersection prior to the opening of Phase 2 of the park pursuant to SPEX 2009-0004. The contribution made pursuant to this condition 11 shall be deemed as also having been contributed pursuant to condition 10 of SPEX 2009-0015 if that application is also approved, it being intended that the total contribution toward said future intersection improvements required to be paid pursuant to the conditions of SPEX 2009-0004 and SPEX 2009-0015 shall be \$130,000.

12. **Trail Phasing** The Applicant shall construct Phase 1 of the regional trail along the frontage of the property adjacent to East Colonial Highway for that portion of the property extending from the western boundary east to the eastern end of the shared use commuter parking lot prior to the opening of Phase 1. Phase 2 of the trail construction from the eastern end of the shared use commuter parking lot to the eastern parcel boundary shall be constructed when the availability to connect to the Washington and Old Dominion Trail or any other regional trail between the eastern parcel boundary and the Washington and Old Dominion Trail to the east has been secured.
13. **Offsite Trail** Trail extension offsite to the east to connect with the W&OD trail, and to the west to connect with the sidewalks at the Town of Hamilton, shall be provided prior to completion of Phase 2 of the development of this site. Should the Board of Supervisors by resolution choose not to fund the trail connection then this condition will be null and void.
14. **Noise** Noise levels emanating from any public address system shall not exceed 55 dB at the property line nearest to any of the public address system speakers. Amplified sound shall not be used other than for sporting events within the park ballfields.
15. **Phasing of Site Construction** Phase 1 of the development shall include and be limited to one 90-foot base path baseball field; 60 parking spaces; one restroom facility; and the Phase 1 portion of the trail. All remaining facilities, parking, ballfields, and trails shall be provided with Phase 2 construction.

SPEX 2009-0015: Commuter Park and Ride Parking Lot

1/26/10

1. **Substantial Conformance** The proposed Special Exception use, Commuter Park and Ride Parking Lot, shall be developed in substantial conformance with the Special Exception plat prepared by Patton Harris Rust and Associates dated February 2009 and revised through January 26, 2010 (the "Special Exception Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map 37, Parcel 58A (formerly known as Parcels 58A and 58B) (PIN #346-35-3765 (formerly known as PIN #'s 346-35-3765 and 346-36-7436)) (the "Property") shall not relieve the applicant or the owners of the property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Enhanced Buffering** The Special Exception use shall provide enhanced vegetative buffering along the western and southern boundaries of the Property which abut residential uses. The purpose of the enhanced buffering is to minimize the lighting and noise impacts to the adjacent properties. The enhanced buffering shall be a minimum of one row of 6-foot tall evergreens spaced 15 feet apart in addition to the Type 2 side yard and Type 3 front yard buffers required for the western and southern yards respectively. However, spacing for the enhanced buffer plantings may be altered to accommodate the interspersation among existing trees. Planting choices may include any native species the Loudoun County Urban Forester in coordination with the Loudoun County Horticulturist deems appropriate to satisfy this purpose. The enhanced buffering shall be maintained to assure viability of the plantings, and replace any diseased or dying vegetation.
3. **Tree Conservation Areas** The development of the Special Exception use shall ensure sustainability of the Tree Conservation Areas, identified on the Special Exception plat and inclusive of, at minimum, the "Moon Tree" (8-inch sweet gum) labeled "Individual Tree to be Preserved in situ" on the Special Exception Plat and the large pin oak at the northwestern corner of the site near the Existing Irrigation Well A. Removal of Tree Conservation Areas will be permitted only if recommended by a certified arborist. Maintenance of the Tree Conservation Areas shall be actively provided by the Applicant in conformance with Virginia Forestry guidelines.
4. **Moon Tree** To ensure sustainability of the unique "Moon Tree" (8-inch sweet gum), the area is labeled on the Special Exception Plat, and shall be clearly labeled on all plats and plans associated with this project, as "Individual Tree to be Preserved in situ". To ensure preservation onsite there shall be:
 - a. No future site alteration or land disturbance within 30 feet of the tree in accordance with Section 7.303 of the Facilities Standards Manual addressing critical root zone preservation with the exception of the retaining wall area. No land disturbance shall occur within 20 feet of the tree in the retaining wall construction area;

- b. A plaque explaining the tree's significance and history;
 - c. 4-foot welded wire tree protection fence during construction with "Tree Protection" signage in English and Spanish spaced no more than 30 feet apart all the way around the tree protection fence;
5. **Lighting** Lighting for the Commuter Park and Ride Facility shall be designed and constructed to minimize light trespass and the view of lighting from off-site, specifically:
- a. Parking lot lighting shall be cut-off or powered down during nighttime hours after commuter usage.
 - b. For all parking lot lighting, there shall be a maximum average illumination over the parking lot of two (2) foot-candles, and the maximum illumination at the property line shall be no more than 0.025 foot-candles above the ambient light in existence prior to the development of the park and ride lot.
 - c. All exterior light fixtures shall be "full cutoff and fully shielded outdoor lighting fixtures" as defined by the Illuminating Engineering Society of North America (IESNA). Light will be directed inward and downward toward the interior of the Property, away from the public streets and the nearby residential properties. Lighting shall incorporate non-glare bulbs and fixtures.
 - d. The mounting height of any freestanding exterior lighting fixtures shall not exceed 20 feet. Height shall be measured from the ground surface to the bottom of the lighting fixture.
6. **Water Conserving Measures – Facilities** The Applicant shall install low flow fixtures and waterless urinals in all restrooms. Alternative comparable equivalent performing technologies that support water conservation may be provided.
7. **Water Conserving Measures- Site** The Applicant shall install infiltration measures within the Active Recreation Park portion of the park to provide water infiltration onsite. Construction of grass swales, infiltration ditches, infiltration trenches or other methods to carry water for infiltration shall be provided. Curb and gutter shall not be provided throughout the site.
8. **Roadways** Left and right turn lanes at the entrance to the park on East Colonial Highway shall be constructed prior to the opening of any portion of Phase 1 of the Active Recreation Park or Commuter Park and Ride Parking Lot. The turn lanes shall be constructed in accordance with Loudoun County and VDOT standards.
9. **Signage** Appropriate Signage shall be installed to prohibit all eastbound left turn lanes into the bus entrance and to prohibit non-authorized vehicles from accessing the site. All-way control (stop signs) shall be installed, if approved by VDOT, at the

intersection of East Colonial Highway/Dry Mill Road and Charles Town Pike prior to the opening of Phase 1 of the project.

10. **Fair Share Contribution** The Applicant shall provide a one-time cash contribution of \$130,000 toward future intersection improvements at the East Colonial Highway/Hamilton Station Road intersection prior to the opening of Phase 2 of the park pursuant to SPEX 2009-0004. The contribution made pursuant to this condition 11 shall be deemed as also having been contributed pursuant to condition 10 of SPEX 2009-0015 if that application is also approved, it being intended that the total contribution toward said future intersection improvements required to be paid pursuant to the conditions of SPEX 2009-0004 and SPEX 2009-0015 shall be \$130,000.
11. **Trail Phasing** The Applicant shall construct Phase 1 of the regional trail along the frontage of the property adjacent to East Colonial Highway for that portion of the property extending from the western boundary east to the eastern end of the shared use commuter parking lot prior to the opening of Phase 1. Phase 2 of the trail construction from the eastern end of the shared use commuter parking lot to the eastern parcel boundary shall be constructed when the availability to connect to the Washington and Old Dominion Trail or any other regional trail between the eastern parcel boundary and the Washington and Old Dominion Trail to the east has been secured.
12. **Offsite Trail** Trail extension offsite to the east to connect with the W&OD trail, and to the west to connect with the sidewalks at the Town of Hamilton, shall be provided prior to completion of Phase 2 of the development of this site. Should the Board of Supervisors by resolution choose not to fund the trail connection then this condition will be null and void.
13. **Phasing of Site Construction** Phase 1 of the development shall include and be limited to the Commuter Park and Ride Parking Lot; access and bus turn around; and Phase 1 trail portion. All remaining facilities, parking, and trails shall be provided with Phase 2 construction.

FINDINGS FOR APPROVAL

Commission Permit:

1. The proposed active recreation park and commuter park and ride facility is consistent with land use and location policies of the Revised General Plan that promote the co-location of County facilities, specifically community meeting spaces, shared parking, and athletic fields, where feasible to function as multi-purpose community facilities. The Plan calls for these multi-purpose community facilities to be developed with an integrated design which incorporate a variety of uses on a single site.

Special Exception – Commuter Park and Ride Lot: SPEX 2009-0015

1. The proposed commuter park and ride lot, as conditioned, is consistent with the Revised General Plan policies that encourage civic uses near towns and villages.
2. The proposed commuter park and ride facility will provide effective buffering to neighboring properties with landscaped screening of the parking.
3. Impacts of the proposed facilities on surrounding properties, both residential and businesses, transportation network, and the environment have been mitigated through conditions of approval.
4. The proposed facilities will provide a much needed civic asset and the general location and use of the subject property as a commuter park and ride lot is consistent with the Revised General Plan.
5. Subject to the conditions of approval, the proposal complies with the applicable requirements of the Revised 1993 Zoning Ordinance.

Special Exception – Active Recreation Park: SPEX 2009-0004

1. The proposed active recreational park and park, as conditioned, is consistent with the Revised General Plan policies that encourage recreational uses near towns and villages.
2. The proposed active recreation park facility will provide effective buffering to neighboring properties with landscaped screening of the parking and ballfields areas, restrictions on the use of ballfield lighting and amplified sound on-site to reduce noise, and limited hours of operation.
3. Impacts of the proposed facilities on surrounding properties, both residential and businesses, transportation network, and the environment have been mitigated through conditions of approval.

4. The proposed facilities will provide a much needed recreational asset and the general location and use of the subject property as a public park is consistent with the Revised General Plan.
5. Subject to the conditions of approval, the proposal complies with the applicable requirements of the Revised 1993 Zoning Ordinance.

ATTACHMENT 3